

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.) No. 03-00276-01-CR-W-SOW
)
JAMES E. WATER,)
)
 Defendant.)

MOTION TO REVOKE SUPERVISED RELEASE

The United States hereby moves the Court to revoke defendant's supervised release based on the Violation Reports, dated July 1, 2008, and January 10, 2011, for violating the following conditions of supervised release:

1. Violation of Mandatory Condition, which reads, "The defendant shall refrain from any unlawful use of a controlled substance."
2. Violation of Standard Condition, which reads, "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician."
3. Violation of Standard Condition, which reads, "The defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment."
4. Violation of Mandatory Condition, which reads, "The defendant shall not commit another federal, state, or local crime."

These alleged violations of the conditions of his supervised release are set forth in the above-referenced reports, prepared by United States Probation Officers Katie J. Meister and Anthony J. Geisler.

WHEREFORE, the United States moves the Court to set this matter for a final supervised release revocation hearing in accordance with this motion.

Respectfully submitted,

Beth Phillips
United States Attorney

By */s/ Rudolph R. Rhodes, IV*

Rudolph R. Rhodes, IV
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 E. 9th Street, Suite 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on this 26th day of January 2011, to the Electronic Filing System (CM/ECF) of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

Travis Poindexter
Federal Public Defender
818 Grand Blvd.-Suite 300
Kansas City, Missouri 64106

/s/ Rudolph R. Rhodes, IV

Rudolph R. Rhodes, IV
Assistant United States Attorney

RRR/jm